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PTO/SB/64 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 18:1000
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First named inventor: **Brian Sims**

Application No.: **10/729,733**

Art Unit: **3763**

Filed: **December 6, 2003**

Examiner: **Theodore J. Stigell**

Title: **Catheter Insertion Guide**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ **770.00** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):
- ☒ has been filed previously on **04/07/2008** **CSHAU1** **00000071 10729733**
☐ is enclosed herewith. **01 FC:2453** **770.00 DP**
- B. The issue fee and publication fee (if applicable) of \$ _____.
- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Darcell Walker
Signature

April 7, 2008
Date

Darcell Walker
Typed or printed name

34945
Registration Number, if applicable

P.O. Box 25048
Address

713.772.1255
Telephone Number

Houston, Texas 77265
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

Appl. No. 10/729,733
Amdt. date April 7, 2008
Reply to action of January 9, 2008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Appl. No.: 10/729,733 Confirmation No.: 1327
Applicant: Brian Sims
Filed: December 6, 2003
TC/A.U. 3763
Examiner: Melissa A. McCorkle
Docket No.: 18.1000
Customer No.: 29080
Title: Catheter Insertion Guide

Honorable Commissioner
P. O. Box 1450
Alexandria, Virginia 22313-1450

Number EB 903862931 US

Date of Deposit April 7, 2007

I hereby certify that this paper or fee is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, P. O. Box 1450 Alexandria, Virginia 22313-1450


Darcell Walker, Reg. No. 34,945

STATEMENT OF UNINTENTIONAL ABANDONMENT

Dear Sir:

This statement is to explain the delays, which has caused this application to be abandoned. For part of 2007, there was a problem with some mail being accurately delivered. I did not receive the office action dated January 25, 2007.

Applicant became aware that an office action was mailed on January 25 2007. However, the office action was never received by the Applicant's attorney. Applicant's attorney became aware of this action when the USPTO contacted the attorney about a response to this application and a possible abandonment of the application. Applicant's attorney then went to PAIR to view the response. Once learning of the existence of this office letter attorney has been diligent in preparing a response for this office letter. I was not successful in contacting the Examiner. I was also not able to leave a message for the examiner. Even though the response was after the six-month deadline, Applicant felt that the patent office would consider the response in view of the above-mentioned problems.

Appl. No. 10/729,733
Amdt. date April 7, 2008
Reply to action of January 9, 2008

After learning of the abandonment, I attempted to correspond with the inventor. However, I only recently was able to establish communications with him. His intent is to pursue the patent application. As you may be able to conclude, based on the previously submitted response, the Applicant believes there is patentable subject matter in this application.

At the time of the mailing of the office action (January 25, 2007), the address of the action was accurate. I have received numerous correspondences from the patent office at that same address well after January 25, 2007.

I ask that you strongly consider revival of this application. Thank you in advance for your consideration in this matter.

Respectfully Submitted,



Darcell Walker

Reg. No. 34,945

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713-772-1255

April 7, 2007